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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,287	12/29/2000	Jeffery R. Eck	088305-0116	6508
7590 03/13/2007 William T. Ellis FOLEY & LARDNER Washington Harbour 3000 K Street, N.W., Suite 500 Washington, DC 20007-5109			EXAMINER SINGH, RACHNA	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 03/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/750,287

Applicant(s)

ECK, JEFFERY R.

Examiner

Rachna Singh

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the 35 USC 112, first paragraph rejections are not correct. Upon further review, Examiner maintains the rejection because Examiner does not feel there are teachings of a "first command to select whether or not to automatically create or allow the user to create business rules" or "wherein a target model and the source model are created based in part on a second user command to initiate creation of such models automatically". Examiner agrees there are teachings for determining whether to automatically create rules or not; however, there doesn't appear to be disclosures on first and second user commands and particularly that a target and source model are created based on a second user command to initiate creation of such models automatically.

Applicant argues there is no teaching of a first user command and a second user command. Examiner disagrees. The selection of business rules by the user is selecting whether to automatically create or allow the user to create business rules. In other words, the mere selection by the user of business rules indicates that the creation is initiated by the user. Fong teaches that accepting interactive user input for making plural changes to any of the component mapping values. The transformation rules are processed by a map creator to create the transformation map. Although the user is creating a transformation map; the user is not necessarily "creating a target model or source model" because all the user does is initiate the transformation by selecting an input source file for transformation to a target output file which meets the limitation selecting, by a user by way of a first user command, whether or not to automatically create or allow the user to create business rules". See column 3, lines 54-67 and column 4, lines 1-10. The system accepts user input for selecting an input source file for transformation to a target output file using an already existing map. The user input is then processed, and the requested input file and map are then processed to transform the input file into the requested output file format. Thus the user is not actually creating the source or target model, rather he is initiating the creation of the models.

It is noted, the term automatically requires user input or a user command to initiate the task that is being performed automatically. Newly amended claims 6 and 12 have been addressed in the rejections above.